

Filed: January 17, 2024

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**BRIEFING ORDER - CIVIL/AGENCY**

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No. 23-1418, State of West Virginia v. EPA  
EPA-R03-OAR-2021-0873

Briefing shall proceed on the following schedule:

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**JOINT APPENDIX due: 02/26/2024**

**BRIEF [Opening] due: 02/26/2024**

**BRIEF [Response] due: 03/27/2024**

**BRIEF [Reply] (if any) due: Within 21 days of service of response brief.**

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The following rules apply under this schedule:

- Filings must conform to the [Fourth Circuit Brief & Appendix Requirements](#) as to content, format, and copies. The Requirements are available as a link from this order and at [www.ca4.uscourts.gov](http://www.ca4.uscourts.gov). FRAP 28, 30 & 32.
- The joint appendix must be paginated using Bates page numbering and the JA or J.A. format required by the [Fourth Circuit Appendix Pagination & Brief Citation Guide](#). Appendix citations in the parties' briefs must use the same format. Local Rules 28(g) & 30(b)(4).
- All parties to a side must join in a single brief, even in consolidated cases, unless the court has granted a motion for leave to file separate briefs. Local Rules 28(a) & 28(d).
- Motions for extension of time should be filed only in extraordinary circumstances upon a showing of good cause. Local Rule 31(c).
- If a brief is filed in advance of its due date, the filer may request a

corresponding advancement of the due date for the next brief by filing a motion to amend the briefing schedule.

- If a brief is filed after its due date, the time for filing subsequent briefs will be extended by the number of days the brief was late.
- Failure to file an opening brief within the scheduled time may lead to dismissal of the case and imposition of sanctions against counsel. Local Rules 45 & 46(g).
- Failure to file a response brief may result in loss of the right to be heard at argument. FRAP 31(c).
- If a case has not been scheduled for a mediation conference, but counsel believes such a conference would be beneficial, counsel should contact the Office of the Circuit Mediator directly at 843-731-9099, and a mediation conference will be scheduled. In such a case, the reason for scheduling the conference will be kept confidential. Local Rule 33.
- The court may, on its own initiative and without prior notice, screen an appeal for decision on the parties' briefs without oral argument. Local Rule 34(a).
- If a case is to be scheduled for argument, counsel will receive prior notice from the court.

/s/ NWAMAKA ANOWI, CLERK

By: Kirsten Hancock, Deputy Clerk